

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

CHARLES MORROW, <i>et al.</i>,)	
)	
Plaintiffs,)	CIVIL ACTION NO: 3:07-CV-617-MHT
)	
v.)	
)	
FLOWERS FOODS, INC., <i>et al.</i>,)	
)	
Defendants.)	

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION TO
EXTEND DEADLINE TO ADD ADDITIONAL PARTIES**

COME NOW Defendant Flowers Foods, Inc. ("Flowers Foods"), Defendant Flowers Baking Co. of Opelika, LLC ("Flowers/Opelika"), and Defendant Flowers Baking Co. of Thomasville, LLC ("Flowers/Thomasville") (collectively, "Defendants"), by and through their undersigned counsel, and hereby submit their Response in Opposition to Plaintiffs' Motion to Extend Time for Deadline To Add Additional Parties ("Plaintiffs' Motion" or "Plaintiffs' Motion to Extend Amendment Deadline").

Plaintiffs are former and current independent contractor distributors of Flowers/Opelika and Flowers/Thomasville. Despite their limited number and limited locations from which they and potential opt-ins work or worked, Plaintiffs have moved the Court to conditionally certify and facilitate class notice for a "nationwide" collective action under Section 216(b) of the Fair Labor Standards Act ("FLSA"). Plaintiffs' motion for collective action treatment has been briefed by the parties and is currently pending.

Since this case was filed six (6) months ago, Plaintiffs have sought and have been granted multiple amendments, adding additional party plaintiffs and an additional defendant. After

agreeing in the parties' planning meeting report that any motions to add parties were to be filed by Plaintiffs on or before January 3, 2008, which the Court so ordered in its Uniform Scheduling Order, Plaintiffs now seek an extension of this deadline without any proper justification for doing so and after arguably improper contact with present and former distributors.

No "Extraordinary and Unforeseeable Circumstances" Exist to Warrant An Extension

As an initial matter, Plaintiffs' Motion should be denied for the reasons set forth in the Court's Uniform Scheduling Order. See Court Doc. No. 28. In that Order, the Court specifically stated, "All parties are expected to comply with each and every provision of this order in a timely manner, and *extensions will be granted only in extraordinary and unforeseeable circumstances.*" See id., at 1. (emphasis added)

Here, however, Plaintiffs offer no "extraordinary and unforeseeable circumstances" to justify a blanket extension of their pleading amendment deadline. They merely assert that they should be granted an additional sixty (60) days to add parties because "the Court has not yet ruled upon Plaintiffs' Motion for Conditional Certification." See Plaintiffs' Motion to Extend Time for Deadline to Add Additional Parties ¶ 3. Clearly, the fact that their motion for class-wide notice remains pending does not constitute "extraordinary and unforeseeable circumstances" that warrants an extension of their deadline to add additional, named parties to this case. The "similarly situated" analysis required for evaluating the pending Motion for Notice necessarily limits the scope of this case to the Plaintiffs and Defendants that are presently joined, save for any truly similarly situated potential opt-ins that the Court could theoretically allow. The addition of formal, named parties in that event would be completely unnecessary, which further demonstrates the baseless nature of Plaintiffs' Motion to Extend the Amendment Deadline.

I. The Court Has Already Limited Discovery In This Case To The Named Parties And Allowing The Possibility of Additional Named Parties In The Future Would Make No Judicial Case Management Sense

This Court ruled in its November 27, 2007 Order granting the Defendants' motion for protective order that "this case only involves the current named parties and the allegations against them. Thus, discovery is also limited to those parties and subject matter." See Court Doc. No. 64. As a result, even if the Court granted certification of a collective action based on the presently named plaintiffs, such a ruling would not justify an extension of the deadline for the plaintiffs to add more *named* parties to this action, for it is well-established that "certification of a collective action and notice to potential class members is not appropriate to determine *whether* there are others who desire to join the lawsuit." *Barten, et al. v. KTK & Assocs., Inc.*, No. 8:06-CV-1574-T-27EAJ, 2007 U.S. Dist. LEXIS 54068, at *6 (M.D. Fla. July 26, 2007) (citing *Dybach*, 942 F. 2d at 1567-1568) (emphasis in the original); *see also Parker v. Rowland Express, Inc.*, 492 F. Supp. 2d 1159, 1166 (D. Minn. 2007) ("First, an FLSA plaintiff is not entitled to conditional certification simply to seek out others who might wish to join in the lawsuit" as parties).

And, if certification is granted on some level, any additional independent distributors would be permitted and indeed, expected, to join the case as opt-ins, and not as formally named plaintiffs, pursuant to the clear statutory method for the addition of plaintiffs set forth in Section 216(b) and routinely followed by the Eleventh Circuit Court of Appeals. *See Hipp v. Liberty National Ins. Co.*, 252 F.3d 1208, 1214-1218 (11th Cir. 2001); *Cameron-Grant v. Maxim Healthcare Svcs., Inc.*, 347 F.3d 1240, 1243 (11th Cir. 2003).

II. Plaintiffs And Their Counsel Have Had More Than Ample Time To Add Parties To This Case And Have Resorted To Improper Methods, Which Should Be Ordered Immediately Ceased

The agreed-upon six month period that Plaintiffs have had to locate potential plaintiffs was more than adequate, and their motion to extend the Court's scheduling order deadline, in light of the absence of "extraordinary and unforeseeable circumstances," should be denied outright. This is especially so given the efforts during the past six months that Plaintiffs and/or their counsel and/or their counsel's relatives have made to locate and solicit additional, non-party independent distributors in their quest to add them as plaintiffs to this case.

For example, on Sunday, October 14, 2007, Lewis Davis approached Michael Lee Atkins ("Atkins"), a Flowers/Opelika distributor who operates out of the Roanoke, Alabama warehouse, at a church function. (Decl. of Michael Lee Atkins, ¶ 1, attached hereto as Attachment 1). Atkins had no prior dealings with Lewis Davis and did not know him. (Decl. of Atkins, ¶ 3). Lewis Davis is the father of Greg L. Davis, counsel of record in this case for the named plaintiffs.

During this October 14, 2007 incident, Lewis Davis attempted to persuade Atkins to seek to join Plaintiffs in the instant lawsuit. (Decl. of Atkins, ¶¶ 4-5). Lewis Davis made comments to Atkins regarding the lawsuit which could only be known to those with knowledge of the pleadings and/or allegations. Specifically, Lewis Davis asked Atkins if he worked for Flowers and whether he had been paid any overtime compensation. (Decl. of Atkins, ¶ 4). Davis told Atkins of the existence of this lawsuit and that Flowers was "not paying overtime to its distributors." (Decl. of Atkins, ¶ 4).

Atkins immediately explained to Davis that he was compensated for his work, that he "made good money," was happy with Flowers and that he was not interested in any attempts to

get him to join the lawsuit. (Decl. of Atkins, ¶ 4). The clear impression left with Atkins was that Lewis Davis was trying to persuade him to join this lawsuit as a plaintiff. (Decl. of Atkins, ¶ 5). Atkins made it clear to Davis, however, that he was happy with Flowers and was not interested in doing so. (Decl. of Atkins, ¶ 5). Lewis Davis then responded that, "you will have a chance to say your peace," or something similar to that statement.¹ (Decl. of Atkins, ¶ 5)

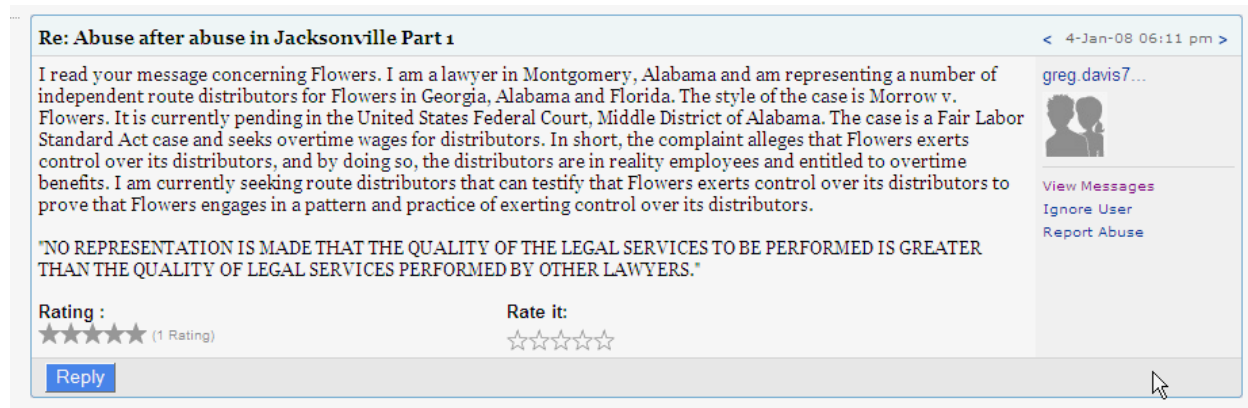
Upon information and belief, Plaintiffs' counsel has also initiated contact with a present independent contractor distributor, Jason Goodman, and a former independent contractor distributor, James Ethington. In December 2006, Mr. Goodman, an independent contractor distributor in Montgomery, shared that he had received a phone call from a lawyer with a Flowers' manager. Mr. Goodman stated he was contacted at home by a lawyer who stated he was with a firm from Birmingham, and was trying to get a class action started and asked if he wanted to be involved. Mr. Goodman declined.

In November 2006, Mr. James Ethington, a former distributor in Mobile, was also contacted by an attorney who identified himself as someone who was representing some individuals in Opelika regarding a lawsuit against Flowers. The lawyer told Ethington that the lawsuit would "funnel down" to Mobile and asked Mr. Ethington if he was interested in getting involved. Mr. Ethington declined involvement.

Last Friday, January 4, 2008, attorney Greg Davis himself engaged in the apparent direct solicitation of, in his own words, Flowers "route distributors that can testify that Flowers exerts control over its distributors to prove that Flowers engages in a pattern and practice of exerting control over its distributors." (Exhibits A, B and C to Decl. of Teresa Douglas, attached hereto

¹ Lewis Davis also mentioned to Atkins something about a contest that was currently being held and he claimed that Flowers could unilaterally disqualify anybody, at any time, for any reason, and that there was a Flowers distributor in Montgomery, Alabama, who had a Wal-Mart route taken from him and given to another distributor. (Decl. of Atkins, ¶¶ 6-7).

as Attachment 2). Mr. Davis made three (3) separate solicitation postings on internet message boards specifically directed to former and present Flowers distributors. See id. A verbatim sample of Davis's postings is as follows:



See id., Att. 2-Decl. of Teresa Douglas, Exhibit A, at 2-3; Exhibit B, at 3; and Exhibit C, at 14.

The Defendants bring this contact by Plaintiff's counsel to the Court's attention in order to alert the Court of this questionable practice. These types of contacts by Plaintiff's counsel should not be rewarded. The efforts of Plaintiffs' counsel to solicit Flowers' current or former distributors is a threat to the Court's ability to manage this case because "[u]nsupervised, unilateral communications with the plaintiff class sabotage the goal of informed consent." *Kleiner v. First Nat'l Bank of Atlanta*, 751 F.2d 1193, 1203 (11th Cir. 1985). The attempt to influence prospective plaintiffs or class members by unilaterally contacting them relegates the essential supervision by this Court to the status of an afterthought. See id. Because of this apparent solicitation, Plaintiffs should not be permitted additional time to add any more parties to this case after the deadline, which has now expired.

WHEREFORE, PREMISES CONSIDERED, Defendants request that the Court deny Plaintiffs' Motion to Extend Amendment Deadline.

Respectfully submitted this 9th day of January, 2008.

/s/Sandra B. Reiss

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(404) 870-1732 Fax

*Counsel for Defendants, Flowers Foods, Inc., Flowers
Baking Co. of Opelika, LLC, and Flowers Baking Co. of
Thomasville, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of January, 2008, I electronically filed the foregoing Defendants' Response In Opposition To Plaintiffs' Motion To Extend Deadline To Add Additional Parties with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Greg L. Davis, Esq.
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1540 Broadway, 37th Floor
New York, New York 10036

I hereby certify that a true and correct copy will be sent by First Class, U.S. Mail on this 9th day of January, 2008 to:

E. Kirk Wood, Esq.
Wood Law Firm, LLC
P.O. Box 382434
Birmingham, Alabama 35238-2434

/s/ Sandra B. Reiss
Sandra B. Reiss

ATTACHMENT #1

Declaration of Michael Lee Atkins

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

CHARLES MORROW and MICHAEL)	
OVERTON, individually and on behalf)	
of similarly situated employees,)	
)	
vs.)	CIVIL ACTION NO.: 3:07-CV-617-MHT
)	
FLOWERS FOODS, INC., FLOWERS)	
BAKING CO. OF OPELIKA, LLC,)	

DECLARATION OF MICHAEL LEE ATKINS UNDER 28 U.S.C. § 1746

I, Michael Lee Atkins, declare under penalty of perjury as follows:

1. My name is Michael Lee Atkins. I am of age, competent to testify, and have personal knowledge of the matters stated herein.
2. I became an independent distributor for Flowers Baking Company of Opelika, LLC, in 1998. I later sold my distributorship but then purchased another around January 2001. I have always operated out of the Roanoke, Alabama, warehouse.
3. On Sunday, October 14, 2007, a man by the name of Lewis Davis approached me at a church social. My wife, Terri Atkins, and John Glass were present. I did not know Mr. Davis prior to that meeting.
4. I had just finished eating a meal at the church function when Mr. Davis walked up to us. Mr. Davis proceeded to shake my hand and introduced himself. Mr. Davis asked me if I worked for Flowers and whether I was paid any overtime compensation. Mr. Davis mentioned that there was a pending lawsuit against the company and further said something about Flowers not paying overtime to its distributors. I immediately explained to Mr. Davis that I was paid for my work for Flowers. I also told Mr. Davis that I made good money, was happy with Flowers and I explained that I was not interested in any attempts to get me to join the lawsuit.
5. Although Mr. Davis responded that he was not trying to solicit me to join the lawsuit, the clear impression he left with me was that he was trying to get me to join the lawsuit as a plaintiff. I made it clear to him that I was happy with Flowers and was not interested in

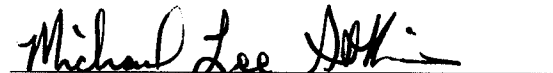
doing so. Mr. Davis then said something to the effect that, "you will have a chance to say your peace," or something similar to that statement.

6. Mr. Davis also mentioned something about a contest that was currently being held and he claimed that Flowers could unilaterally disqualify anybody, at any time, for any reason.
7. In this same October 14, 2007, conversation, Mr. Davis mentioned that there was a Flowers distributor in Montgomery, Alabama, who had a Walmart route taken from him and given to another distributor. He then asked me if I was still paying for a Winn-Dixie that had closed. My response was that, while I was still paying for that route, I had made up for that loss by adding stores or increasing sales volume at others.

Further the affiant saith not.

I hereby declare under the penalty of perjury that the foregoing is true and correct according to my personal knowledge, and if called as a witness, I could and would testify truthfully thereto.

Executed on Nov. 8, 2007, 2007.


Michael Lee Atkins

ATTACHMENT #2

Declaration of Teresa S. Douglas

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

CHARLES MORROW, <i>et al.</i>,)	
)	
Plaintiffs,)	CIVIL ACTION NO: 3:07-CV-617-MHT
)	
v.)	
)	
FLOWERS FOODS, INC., <i>et al.</i>,)	
)	
Defendants.)	

DECLARATION OF TERESA S. DOUGLAS

I, Teresa S. Douglas, state and declare as follows:

1. I am over the age of nineteen (19) and have personal knowledge of the information stated herein.

2. I am a paralegal with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., located in Birmingham, Alabama. I have been employed with the firm since February 2006.

3. On January 8, 2008, I viewed certain Yahoo! Message Board pages on the Internet (<http://messages.yahoo.com>), searching for written discussions regarding the Defendants in this case, including Flowers Foods, Inc.

4. Among the message threads I located were three (3) verbatim, posted responses to prior discussions made by a registered Yahoo! Message Board user identified as "greg.davis79", who in the postings further identified himself as "a lawyer in Montgomery, Alabama" who is "representing a number of independent route distributors for Flowers in Georgia, Alabama and Florida. The style of the case is Morrow v. Flowers. It is currently pending in the United States Federal Court, Middle District of Alabama. . . ." A true and correct, printed hard copy of each

of these three message threads are attached to this Declaration as Exhibits A (response to discussion entry entitled, "Abuse after abuse in Jacksonville" Parts 1-3, dated November 7, 2007), B (response to discussion entry entitled, "bread routes," dated December 18, 2005) and C (response to discussion entry entitled, "therock587," dated July 18, 2006).

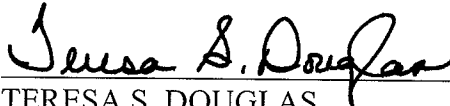
5. After identifying himself and describing this lawsuit, attorney Davis, in each of the three responses posted by him on Friday, January 4, 2008, wrote the following:

In short, the complaint alleges that Flowers exerts control over its distributors, and by doing so, the distributors are in reality employees and entitled to overtime benefits. I am currently seeking route distributors that can testify that Flowers exerts control over its distributors to prove that Flowers engages in a pattern and practice of exerting control over its distributors.

See Exhibit A, at 2-3; Exhibit B, at 3; and Exhibit C, at 14.

Pursuant to 42 U.S.C. § 1746, I declare under penalty of perjury that the foregoing information contained in this two-page Declaration is true and correct and that any additions, modifications, or deletions have been made and initialed by me.

Executed on January 9, 2008.


TERESA S. DOUGLAS

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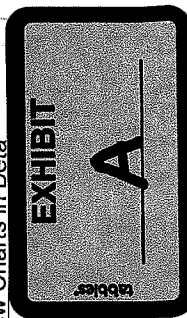
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Flowers Foods Inc. (FLO)

New! Try our new Charts in Beta

**Messages in Topic****Abuse after abuse in Jacksonville Part 1**

7-Nov-07 05:35 pm

What a mess in Jacksonville. One would think with great numbers, that all is well at the FBjax, LLC. Maybe as well as King Cotton in the south, prior to the war of two centuries ago, or the communist manifesto, both attempting to assert the premise of "the ends justify the means". I have been around a long time. I knew Langdon and Mr. W.H., Heath, and all the others, others whose ideas of running a business, and treatment of a selling force, have become ancient, forgotten history at Jacksonville. I do not know if this board has the "juice" it once did, as I have been absent for a few years. However, I will list a few concerns here, rather than call a hotline, that results in numerous interrogations, errrr, I mean meetings, to seek out who placed the complaint, and single out and target that individual. As the song goes, "that's just the way it is", in FBC Jax, LLC. I will speak to one warehouse, one director, one VP. I will not mention names, however, to those close, if anyone reads this post, it should be obvious.

First, let us address the running of vacation routes, and open routes, which will link to a thing called retention. If anyone needs a dictionary out there, speak up now. It is the same old story. A new PD (Prospective Distributor), trained for a few weeks, and turned loose to run a route, a Distributor's Business, serving the Company's business, generating and driving sales, etc.....You get the idea (I hope). When a vacation route is not run properly, anger should not be directed at this inexperienced new PD, it

should be directed at the management of the warehouse, or perhaps the next level of management, for not giving them the proper manpower to accomplish the mission. In any event, this PD may get a day or two of support from local sales management, however, he is mainly on his own. Don't even mention follow up training here. The most recent two vacations, in this warehouse, were run by a inexperienced PD. One suffered from high truck stock, and many out of stock conditions, due to a fraction of a normal day6 order, a day that was not ordered by the distributor (the territory owner). I do not need to explain the lost sales, etc.. It will take a distributor at least one to two weeks to recover his territory. Much of the damage comes on Saturdays. This is the day that SBT (Scan Based Trading) inventories are taken. Which if not accurate, will result in the distributor being charged back the amount above the allowable shrink. There are many horror stories that have come from the people, even sales managers, that did not accurately count the inventory already in the store, while running the vacation route, resulting in many charge backs that distributors have endured. Another vacation, the damage was limited. The vacationing distributor had the sense to hire a former manager from Flowers to run his route on Saturday. He feared that the company probably would not accurately inventory his product in his SBT accounts. The guy he hired found stale, trays, and a real mess on the truck, when he came to load it on Saturday. I understand he also found tons of trays that should have been picked up, by the persons running the route. And the real kicker, the PD, acting as a representative of FBC JAX, under a sales managers supervision (excuse the laughter), spent much of the DISTRIBUTOR'S money. He did not have the money collected during the vacation to give to the distributor. I have heard he is being allowed to repay the distributor's money on an installment plan. The PD is still employed, as is the manager that supervised him. Yes, he has family in the Company. What do you think is in the back of the mind of the next distributor that PAYS the company to run his route for his earned vacation?. Part 2 next

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Re: Abuse after abuse in Jacksonville Part 1

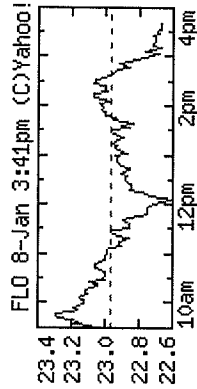
I read your message concerning Flowers. I am a lawyer in Montgomery, Alabama and am representing a number of independent route distributors for Flowers in Georgia, Alabama and Florida. The style of the case is Morrow v. Flowers. It is currently pending in the United States Federal Court, Middle District of Alabama. The case is a Fair Labor Standard Act case and seeks overtime wages for distributors. In short, the complaint alleges that Flowers exerts control over its distributors, and by doing so, the distributors are in reality employees and entitled to overtime benefits. I am currently seeking route distributors that can testify that Flowers exerts control over its distributors to prove that Flowers engages in a

4-Jan-08 06:11 pm

greg.davis7...



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pattern and practice of exerting control over its distributors.

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Messages in TopicMinimum rating: **2 stars + unrated** [What's this?](#)**bread routes**

18-Dec-05 05:26 pm

what are the benefits like being owner/operator don't your costs such as health insurance for family get really expensive. then you got to pay all your expenses,fuel, maintenance,insurance for your truck then on top of that your route payment.
do they offer you a discount on company stock.
what kind of match do you get on 401k.

breadman240...



Male

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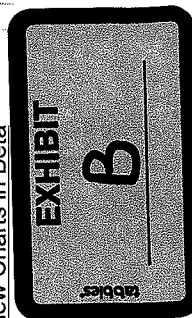
Flowers Foods Inc. (FLO)

New! Try our new Charts in Beta

Re: bread routes

19-Dec-05 11:39 am

Don't worry about the benefits.Flowers will take care of you.You will make a ton of money.
Not the most prestigious job in the world but as one person stated more money then a college graduate,I think he met High School but thats ok.If you ever come back you can do your own maint If your other half works for hawing Haw



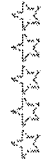
you can take the whole family out in the truck to help you, its called bread route bonding. Sure you can get Flo stock at a good price another benefit. You sound like the kind of man we need. Sign up now, get motivated, be a winner, move out of lot 23. I like money. \$\$\$\$\$\$


Rating :



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Re: bread routes

21-Dec-05 10:04 pm

I would disagree. They say they will take care of you. The fact is that the company really does not care. Oh they will be kind at first, just to reel you in. As time goes by they will treat you like dirt. This applies not only to the bread routes but also to the employees in the bakery itself. Do not trust them at all.

Sentiment : Strong Sell


Rating :



(No ratings)

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Re: bread routes

18-Jul-06 01:13 pm

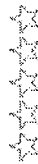
I would like to hear more from distributors out there who are still running their routes. In our area we are not happy campers. We have management issues, bakery issues, product quality issues and they keep cutting our discounts about once a month to two months. We have on numerous occasions received late shipments, molded bread, or damaged and horrible looking product. This comes from our bakery and we are supposed to deal with it. I would like to hear some input on issues some of you other guys have, good or bad, and maybe any suggestions on how we can take a step in getting this resolved, and make this company treat us like the hard working people we are. Without us, Flowers would not be where they are today. So why don't they want to take care of their "money Makers?"


Rating :



(No ratings)

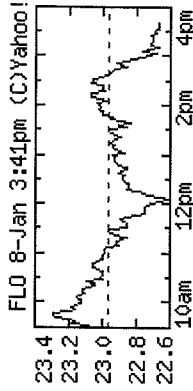
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At 4:03PM ET: **22.43** \uparrow 0.54 (2.35%)

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Re: bread routes

4-Jan-08 06:26 pm

I read your message concerning Flowers. I am a lawyer in Montgomery, Alabama and am representing a number of independent route distributors for Flowers in Georgia, Alabama and Florida. The style of the case is Morrow v. Flowers. It is currently pending in the United States Federal Court, Middle District of Alabama. The case is a Fair Labor Standard Act case and seeks overtime wages for distributors. In short, the complaint alleges that Flowers exerts control over its distributors, and by doing so, the distributors are in reality employees and entitled to overtime benefits. I am currently seeking route distributors that can testify that Flowers exerts control over its distributors to prove that Flowers engages in a pattern and practice of exerting control over its distributors.

greg.davis7...



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Rating :

★★★★★ (1 Rating)

Rate it:



Re: bread routes

23-Sep-06 12:12 am

Are you a Sara Lee Guy??

lwofford99



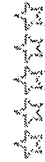
Male

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Rating :

★★★★★ (No ratings)

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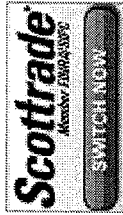
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Minimum rating: 2 stars + unrated What's this?

ARE WE THERE YET!!!!!! HECK NO!!!!!!

Just wait, the bottom will be 10 , just as the signs point to. Sales in bake foods from top 6 Bakeries that have carried this organization with big profits can't because of the lack of premium label sales and increase competition and "just a warm body" sales force. Get with it Mr. CEO and get back to what worked before and will again, top notch "professional" sales team.

Rating :

☆☆☆☆☆ (No ratings)

Rate it:

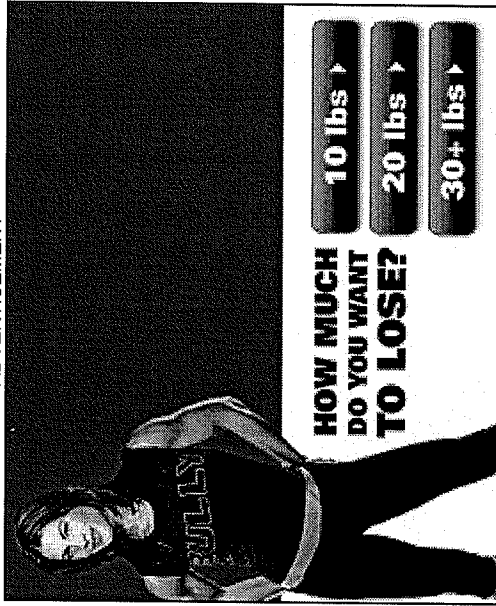
☆☆☆☆☆

15-Jul-99 09:23 pm

DOUGHBOY007 ...



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MR. MCMULLIAN

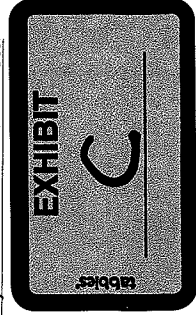
I agree with Doughboy about "just a warm body"

15-Jul-99 10:57 pm

FLEW_BY_U

Flowers Foods Inc. (FLO)

New! Try our new Charts in Beta



sales force.
Mr. McMullian you should re-think the distributorship program currently in place. Maybe you should take back routes in order to have control over business and also to make sure that the routes are run by a professional sales force who care about the companies image!

Rating : ★★★★★ (No ratings) **Rate it:** ★★★★★



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DRIP?

16-Jul-99 01:24 pm

C77ELERY

Seems like below 17 is a good time to buy, and sell above 22 if you like to trade. Me, I'm conservative & in for the long haul. Considering a small FLO purchase. Is a DRIP available

Rating : ★★★★★ (No ratings) **Rate it:** ★★★★★



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Drip __ Yes

16-Jul-99 05:05 pm

luckyme2193...

you can also buy Flo stock direct from the company.

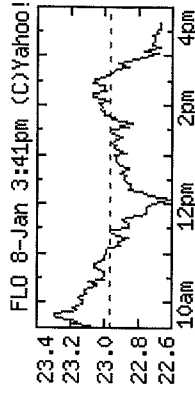
Rating : ★★★★★ (No ratings) **Rate it:** ★★★★★



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Drip __ Yes

16-Jul-99 05:07 pm



At 4:03PM ET: **22.43** ↑ **0.54** (2.35%)

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you can also buy Flo stock direct from the company.
 Huge trading volume just before closing. WHO

Rating : ★★★★★ (No ratings)

Rate it: ☆☆☆☆☆

luckyme2193...



Male

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1m share trades today

16-Jul-99 09:40 pm

SONIC742



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I'll say this: someone thought enough about FLO to pick up a MILLION shares ona single trade. Had it not been for the buyer, I'd say FLO woulda be in the high fifteens about now.....


Rating : ★★★★★ (No ratings)

Rate it: ☆☆☆☆☆

Buy it

19-Jul-99 01:00 pm

CHCHACHI



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If someone big has done their homework and wants to own this bigtime than I say I'm jumping on board. It looks soooo cheap right now with potential for a bigtime comeback that if you are long in your views this should be screaming to be bought.
 Just my small point of view. Im in though.


Rating : ★★★★★ (No ratings)

Rate it: ☆☆☆☆☆

looks like a good buy. so, i did!






19-Jul-99 03:27 pm






almasters




Male

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Rating :      (No ratings)

Rate it:     


wow, what a deal! just bought at 16 7/8...



who are all these experts on FLO???






19-Jul-99 04:13 pm






bigdeal55




Male

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Rating :      (No ratings)

Rate it:     

where were all these experts on flowers when the price was at \$22 a share??? i have been truly amazed the past week at their wealth of knowledge.... or was that lack of knowledge... i have been a stock holder in this company for over 20 years and never lost a penny.... and will not lose any this time around... i love the panic .. drives the price down, makes it easy to pick up a good value for a very reasonable price.... furthermore, if there is anybody out there who really believes this stock will go to \$10 a share.. i would like to make a little wager with them... But i will offer a little hint.... FLO is going to continue to purchase Keebler ... and when the percent of ownership reaches 75, the two will combine into one.... then my stock gets even better... to the disgruntled workers.... go find another job... don't work for a company you don't like... i purchased another 1,000 shares today... i love the future of Flowers, Mrs. Smith's and Keebler.... they are all one and will eventually be one in the same.



bigdeal55...Thank You!

19-Jul-99 04:29 pm

scoll2

Male

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Rating :
★★★★★
(No ratings)

Rate it:
☆☆☆☆☆

bigdeal55...Thank You for your post I agree the future is bright the Mrs. Smith revamp will result in better revenue numbers after all is said and done. FLO is not for short termers and you are wise to buy...laugh all the way to the bank.

laidback-laidoff

19-Jul-99 10:20 pm

DOUGHBOY007 ...

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Rating :
★★★★★
(No ratings)

Rate it:
☆☆☆☆☆

well,well,well, seems we have a egomaniac in our mist. Must be the endless meetings you have tabled and stressed how good things are GOING to be. Heres a little more advice, you should be playing short on this stock because its going lower.By your statement of a block purchase of 1k shares you are blinded by hype not reality, bad calls from corporate in the past 10yrs. have stunted its growth and now shortfalls are now coming to light.Before you take me on in a wager I'll offer you a little advice,if there is no unity,leadership or loyalty at all levels of this company,their future looks bleak as for as profits go.

See more replies

big deal55

19-Jul-99 10:24 pm

SONIC742

http://messages.finance.yahoo.com/Stocks_%28A_to_Z%29/Stocks_F/threadview?m=te&bn=7022&tid=430&mid=5708&tof=2&ft=2

1/8/2008

You evidently are not from our area and have not ACTUALLY USED that handhel and are not familiar with recent problems.
1. <Trucks bring bread and buns>
Those trucks have been 2 to 10 hours late recently. Bread and buns that you need are not always on them. Recently BIG was on sale and advertised at a 2/1.00: no BIG on truck. No BIG in stores. Disater. 4th of July: no hamburger or hot dog buns: disaster....etc
2. <Thrift stores do a good job>
I agree and only a small # of those clerks hold a driver up unnecessarily
3. <Mold on bread>
I think rock was mostly refering to the bulk bun mold. There has indeed been a problem with the adhesive in the bulk hamburger. Most of that has been fixed but occasionally there may be a problem. I myself replaced some 120 trays last week to be safe.
4. <handheld computer to insure stale outa stores>
The handhel does nothing to insure fresh product. The salesman must still check dates and ties. I don't think Rock would have said this had he been in the wrong. Furthermore, a driver cannot get credit for his stale UNLESS it is brought back THAT DAY, molded or not would not be an issue.
5. <company has spent much money on handhels>
the Fijitsu handhel is the sorriest piece of crap I have ever used IMO. It contantly dumps memory causing hours of extra work and non-delivery of entire loads. Mine has dumped 6 times in 6 months AND IT STAYS IN THE OFFICE ALL DAY AND GOES NOWHERE. The programing is also poor. The PCA function allows a driver to rip off the company and customers anytime he may want to. Most drivers I know are honest and I refuse to even have a PCA, evne though it causes me extra accounting sometimes.
Finally, Bigdeal, you should not bash other people, because sometimes they may be right. That said, these are all problems that can be fixed. I believe many will be. But don't bash the guy for speaking what he sees. The insiders have been selling on this already. I'd say we are darn close to the bottom if not here now

Rating :  (No ratings) Rate it: 




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Reality Check


19-Jul-99 10:36 pm





DOUGHBOY007...

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Troubles are mounting and finger pointing has begun as well as shift of blame as to who is at fault for cost over runs at MRS.SMITH as well as short-falls on projected profits. Let's face it bigdeal55, 20 yrs. of investment should have reaped you a handsome profit but hopefully you diversified because the next 20 (hopefully) won't be unless corporate gets back to sound business practices that got them there 20yrs. ago. Also in response to your statement about disgruntled workers, FLO has themselves, with the distributorship program, allowed the word to get out that, what was once a sought after job, has now become a tight-rope walk without a net. Let me assure you bigdeal55, my heart and soul is in the baking industry having been a part of FLO for 20yrs. and seen what good sound business practices can do for profits, to see it now is sad to say the least.

Rating :  (No ratings)


Rate it: 



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Flo Drip


18-Jul-99 02:15 pm

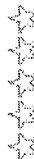



Debravx

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Flower's drip is administered by First Union National Bank, Shareholder Services Group, Charlotte, NC 28288-1153 phone 1-800-829-8432. The transfer agent was changed last month. It is a drip plan and direct purchase of the first share isn't available. Debra

Rating :  (No ratings)

Rate it: 



flew by u.....

16-Jul-99 10:07 pm

SONIC742



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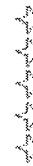
you know what you're talking about. It may have seemed like a great idea at the time and I'm sure it generated lots a quick cash, but the independent thing has no control. Roughly half are GREAT distributors and I would call a huge success. Another 1/4 are likeable people, and put in the hours, but are not very successfull, but the last 1/4 look bad, act bad, and kill bussiness. That last 1/4 is what everyone remembers. Here's ONE problem: in this day and age, you're not going to find the people you want to do the grueling and miserable work these guys and gals do everyday, for less than 7 or 800 a week. That on top of an average route price of 50,000 and a bunch of piece of junk Izusus at 50,000 bucks a piece(after payoff at the unbelievable low interest rate of 12%)
I have some great ideas forming for this company, but am only now getting some dialog started with some folks. The couple of ideas I've recently implemented have been recieved very well. One can save each branch 3-500 bucks a week and can be used in any branch. Unfortunately the road to the top seems to be paved with much gruntwork. So far it seems my newest boss would rather me stack trays and keep the warehouse clean in dripping sweat than worry about new ideas. I've only been there 8 months, so maybe thats it.
All in all I'd say you're right, Flew, but what a challenge it will be.....

Rating :



(No ratings)

Rate it:



SONIC742...Question for you.

19-Jul-99 02:54 pm

scoll2



Male

Are you a FLO employee in Jax?

Rating :



(No ratings)

Rate it:



Reply


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yup...com


19-Jul-99 09:02 pm

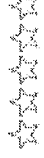
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SONIC742



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Rating :  (No ratings)

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agrees with sonic

19-Jul-99 05:45 pm


therock587

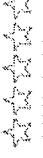


33/Male
other

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i i to am a distributor i make good money but i am the exception 80% of the routes are losing money in our depot the trucks are late, bread is hard , buns molding before they are out of date, price for pl is to cheap compared to the premiums brands its hard to pay your bills on 5 or 10% comission the economy is good but distributor are leaving all the time cant keep help its hard to keep somebody if they only going to make 3-400 a week and then have to work 7 days a week doing pull ups

Rating :  (No ratings)

Rate it: 

enough is enough !!!!!

you are not a distributor therock587 or you would know more about the bread business.... first of all... trucks bring bread and buns fresh to you five days a week ... and after you pull it off the racks in the stores, it goes to the thrift stores for another seven days....the thrift stores have always done a great job with stale sales ... if anyone has any doubt .. check out your local thrift store and see how well it operates and might i add by an independent owner.... the only reason mold on bread would appear in a store is the lack of effort by a lazy salesman and that could explain why he is making only \$300 per week... flowers has spent a tremendous amount of money on hand-held computer systems for these distributors to keep stale or molded out of the stores..... what you need to do "rock" is put the baloney you are shooting out of you mouth in some of that hard bread that you claim exists.... been buying it for 30-plus years... never had a bad loaf...

Rating :



(No ratings)

Rate it:



bigdeal55



Male

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bigdeal55

19-Jul-99 10:21 pm

SONIC742



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You evidently are not from our area and have not ACTUALLY USED that handheld and are not familiar with recent problems.
1. <Trucks bring bread and buns>
Those trucks have been 2 to 10 hours late recently. Bread and buns that you need are not always on them. Recently BIG was on sale and advertised at a 2/1.00: no BIG on truck. No BIG in stores. Disaster. 4th of July: no hamburger or hot dog buns: disaster...etc
2. <Thrift stores do a good job>
I agree and only a small # of those clerks hold a driver up unnecessarily
3. <Mold on bread>
I think rock was mostly referring to the bulk bun mold. There has indeed been a problem with the adhesive in the bulk hamburger. Most of

that has been fixed but occasionally there may be a problem. I myself replaced some 120 trays last week to be safe.
4. <handheld computer to insure stale outa stores>
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5. <company has spent much money on handhelds>
the Fijitsu handheld is the sorriest piece of crap I have ever used IMO. It contantly dumps memory causing hours of extra work and non-delivery of entire loads. Mine has dumped 6 times in 6 months AND IT STAYS IN THE OFFICE ALL DAY AND GOES NOWHERE. The programing is also poor. The PCA function allows a driver to rip off the company and customers anytime he may want to. Most drivers I know are honest and I refuse to even have a PCA, evne though it causes me extra accounting sometimes.
Finally, Bigdeal, you should not bash other people, because sometimes they may be right. That said, these are all problems that can be fixed. I believe many will be. But don't bash the guy for speaking what he sees. The insiders have been selling on this already. I'd say we are darn close to the bottom if not here now.

Rating : ★★★★★ (No ratings) Rate it: ★★★★★

REPLY TO BIG DEAL

20-Jul-99 02:01 pm

therock587




33/Male
other

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I DONT KNOW WHICH BAKERY YOU ARE FROM BUT THE BAKERY I AM FROM DOES SEND OUT OF DATE MERCHANDISE, CLOSE DATED BUNS. OR NO BUNS AT ALL ESPECIALLY HOLIDAYS, NO HB OR HDOG BUNS FOR OUR CUSTOMER ON THE 4TH OF JULY OR THE PAST HOLIDAYS LIKE I SAID I AM ONE OF THE LUCKY ONES BUT I WORK 7 DAYS A WEEK. TRUCKS DO BRING BREAD 5 DAYS A WEEK BUT OUR BREAD IS AT LEAST 2 DAYS OLD WHEN WE GET IT. SOME DAYS ARE BETTER THAN OTHERS AND SOME PRODUCTS IS BETTER THAN OTHERS BUT THE BULK

BUNS SUX.IF I AM NOT A DISTRIBUTOR HOW WOULD I KNOW THESE THINGS

Rating : ★★★★★ (No ratings) **Rate it:** ☆☆☆☆☆




therock587 20-Jul-99 10:58 pm

FLEW_BY_U 


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I work at FLO too. I've seen a number of distributors and distributor trainees come and go. Are distributor trainees first hired through temp agencies where your located? Most of the distributors leaving have family's to support and find it hard with the money, the long hours and terrible benefits. As a distributor what do you think is the solution to these problems? Or are these problems that you have? and am I missing what the real problems are?
 I'm interested in what anyone, who knows what they are talking about, might have to add to this matter.

Rating : ★★★★★ (No ratings) **Rate it:** ☆☆☆☆☆



what was the num. that walked off this 23-Jul-99 09:35 pm

x1929 

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Female

week, not just temps. workers that have been there over a yr. or more. if the ceo wants 2 find the answers call, and ask them. look at the files get the ph. num. do this ur self, don't trust anyone. look.... laugh but pillow talk works 4 me. mr. mcmullian has put this boycott behind him let us do the same, and as quick.

Rating : ★★★★★ (No ratings) **Rate it:** ☆☆☆☆☆

big cheese's touring the plants

24-Jul-99 11:25 am

SONIC742



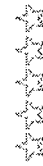
and looking to immediately fix problems. may do some hiring after recent layoffs to improve service. White bread has been looking a lot better in my area.....

Rating :



(No ratings)

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therock587

19-Jul-99 09:33 pm

SONIC742



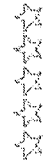
darn straight: you're a real breadman alright. Those are the EXACT problems we are having as well. I'm curious as heck on what area you are in? The thing that kills the drivers the most is that those "late" trucks don't always include such things as white bread(America's best seller) or a sale item which equate to disaster at the store. Lately a new twist has evolved. Bread arriving that I did not order or even sell on my route. I don't think most people realize that a breadman works 7 days a week. It is possible to work 70 hours a week for 400.
The new area president we got is trying to move swiftly to combat these problems. 5% on PL is shameful. Along with no profit, PL can force you to purchase a \$50,000 IZUSA, for the space when you coulda just bought a 5,000 step van. Look for help in the PL dilemma in the next month for WD at least.

Rating :



(No ratings)

Rate it:



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Re: therock587

4-Jan-08 06:20 pm

greg.davis7 ...



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I read your message concerning Flowers. I am a lawyer in Montgomery, Alabama and am representing a number of independent route distributors for Flowers in Georgia, Alabama and Florida. The style of the case is Morrow v. Flowers. It is currently pending in the United States Federal Court, Middle District of Alabama. The case is a Fair Labor Standard Act case and seeks overtime wages for distributors. In short, the complaint alleges that Flowers exerts control over its distributors, and by doing so, the distributors are in reality employees and entitled to overtime benefits. I am currently seeking route distributors that can testify that Flowers exerts control over its distributors to prove that Flowers engages in a pattern and practice of exerting control over its distributors.

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Rating :

★ ★ ★ ★ ★ (1 Rating)

Rate it:

★ ★ ★ ★ ★

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